

### Rule 3. Operation of Sewage Lines

#### 170 IAC 8.5-3-1 Application for Certificate of Territorial Authority (CTA)

Authority: IC 8-1-1-3; IC 8-1-2-47; IC 8-1-2-69; IC 8-1-2-89

Affected: IC 8-1-1-3; IC 8-1-2-89

Sec. 1. Application for Certificate of Territorial Authority (CTA). Whenever a sewage disposal company petitions for a Certificate of Territorial Authority, either as an initial authority or as an expansion of its authorized territory, it shall submit, where appropriate, the following exhibits, sufficiently in advance of the hearing to enable the Commission staff to make a proper review of them so as to avoid any delay in the hearing:

- (1) Articles of Incorporation. Required only for initial applications.
- (2) Legal description of area to be served.
- (3) Legal description of Petitioner's sewage disposal plant site. Required only for initial applications.
- (4) Letter of approval of Environmental Management Board.
- (5) Letter of approval of Stream Pollution Control Board.
- (6) Certificate of approval of Department of Natural Resources.
- (7) Plans and specifications of treatment plant.
- (8) Plans and specifications of sanitary sewers.
- (9) Area maps as outlined in instructions of Rule 18 [170 IAC 8.5-3-2].
- (10) Letter of acknowledgement from owner-operator of any sanitary system within five (5) miles of the company's system that he is familiar with the company's interest to apply for a Certificate of Territorial Authority. In lieu thereof, a copy of the sewage disposal company's certified letter to the owner-operator informing him of the company's application for a Certificate of Territorial Authority should be submitted together with the signed return receipts. Any other correspondence from such owner-operator relating to the proposal shall be included.
- (11) Statement of estimated costs of construction of sewage disposal plant, including and separately as to treatment plant, collection system and pumping plant.
- (12) Estimated operating expenses, depreciation and revenue. Required only for initial applications.
- (13) Five-year feasibility study and pro forma statement. Required only for initial applications.
- (14) Personal guarantee by a principal of the corporation for a period of five years, accompanied by a personal financial statement (See Rule 19 [170 IAC 8.5-3-3] for sample form). Required only for initial applications or as otherwise deemed appropriate by the Administrative Law Judge.

Instructions on the contents of the required exhibits for a CTA follow in Rule 18 [170 IAC 8.5-3-2] and sample forms are set out in Rule 19 [170 IAC 8.5-3-3]. Rules 18 and 19 [170 IAC 8.5-3-2 and 170 IAC 8.5-3-3] follow Commission Order No. 27122 which prescribes the form of CTA applications for sewage disposal service in rural areas in Indiana. (*Indiana Utility Regulatory Commission; Service for Utilities Rendering Sewage Disposal Service in Ind; Rule 17; filed Dec 9, 1981, 10:20 am: 5 IR 21; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233*)

#### 170 IAC 8.5-3-2 Instructions for exhibits for CTA applications

Authority: IC 8-1-1-3; IC 8-1-2-47; IC 8-1-2-69; IC 8-1-2-89

Affected: IC 8-1-1-3; IC 8-1-2-89

Sec. 2. Instructions for Exhibits for CTA Applications. (1) Maps—The area, or areas, should be shown on a county map (if more than one county, separate county maps) scaled at approximately one inch per mile. The maps should include all roads and highways, streams, section and township lines, and range and township numbers. Township corner sections should be numbered, (1, 6, 30 and 36).

The maps may be or be similar to:

General Highway and Transportation Map Prepared by The State Highway Department of Indiana Planning Division In Cooperation with the U.S. Department of Commerce Bureau of Public Roads

The rural areas presently being served by sewage disposal service, if any, shall be colored in green and the area requested shall be colored in red. Any sewer systems or municipal corporation limits within 5 miles of the proposed area to be served by this petition shall be clearly shown on this map.

(2) Description of Area—The rural areas shall be outlined and described:

(A) County

(B) Township

(C) Sections, or parts of sections, range and township

(3) Other Maps or Plats—If the rural area is subdivided, or planned for subdivision, there shall be maps showing this platting. These maps may be part of the plans, as requested below, showing the sewage collection mains and appurtenances.

(4) Plans and Specifications—The plans should show a layout of collection mains showing size, manholes, location of disposal plant, effluent line and stream receiving the effluent. A plan of the disposal plant should show the flow, major functional operations, stages of treatment and capacity. A waiver may be granted by the Engineering Department upon request and with justification.

(5) Feasibility Study—This study should include balance sheets; revenue and operating statements; original cost of plant if now operating as a public utility, as prescribed in the Uniform System of Accounts for Rural Sewage Utilities prepared by the Accounting Department of the Public Service Commission of Indiana; estimated construction costs of new plant or additions; method of financing costs; and pro forma revenue and expenses by years for a period of five years, including supporting details to pro forma revenues. (*Indiana Utility Regulatory Commission; Service for Utilities Rendering Sewage Disposal Service in Ind; Rule 18; filed Dec 9, 1981, 10:20 am: 5 IR 22; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233*)

170 IAC 8.5-3-3 Sample CTA application and personal guarantee forms

Authority: IC 8-1-1-3; IC 8-1-2-47; IC 8-1-2-69; IC 8-1-2-89

Affected: IC 8-1-1-3; IC 8-1-2-89

Sec. 3. Sample CTA Application and Personal Guarantee Forms. (a) Application Form

STATE OF INDIANA  
PUBLIC SERVICE COMMISSION  
OF INDIANA

APPLICATION OF \_\_\_\_\_ )  
FOR A CERTIFICATE OF TERRITORIAL )  
AUTHORITY TO RENDER SEWAGE DISPOSAL ) CAUSE NO.  
SERVICE IN A RURAL AREA IN \_\_\_\_\_ )  
COUNTY, INDIANA. )  
TO THE PUBLIC SERVICE COMMISSION OF INDIANA:

Your applicant, \_\_\_\_\_ respectfully represents:

1. Application is a corporation organized under the laws of the State of \_\_\_\_\_, with its principal office in the City of \_\_\_\_\_ County, \_\_\_\_\_. (See Note 1) The officers executing this application are authorized to receive notices and communications from the Commission. Applicant has a charter power and authority to engage in, and is engaged in operating a sewage disposal service within the rural area of the State of Indiana.

2. Applicant desires to commence rendering sewage disposal service in a rural area in \_\_\_\_\_ County in Indiana, which rural area is shown on the Map that is marked "Exhibit A" (See Note 2), is attached hereto and is hereby made a part thereof, and which rural area is more particularly described in Item 2 of the Statement which marked "Exhibit B" (See Note 2), is attached hereto and is hereby made a part hereof. Such facilities, or extension of facilities, to provide said service as will be presently constructed, and the location thereof, are described in Item 3 of said "Exhibit B".

3. Applicant represents that it has lawful power and authority to obtain a Certificate of Territorial Authority and to render the proposed sewage disposal service if it obtains a Certificate of Territorial Authority therefor, that it has the financial ability to provide the proposed sewage disposal service, that public convenience and necessity require the rendering of the proposed sewage disposal service, and that the public interest will be served by the issuance to applicant of the Certificate of Territorial Authority hereby sought.

WHEREFORE, Applicant prays that, after due notice and public hearing, the Commission shall grant this application and issue to Applicant a Certificate of Territorial Authority to commence and render a sewage disposal service in the rural area herein described, and shall grant all other proper relief.

Name of Applicant

By \_\_\_\_\_

President or  
Vice-President  
(See Note 3.)

(Address of Applicant)

ATTEST:

SECRETARY (See Note 3.)

(Name and address of Attorney)

STATE OF \_\_\_\_\_ )

) SS:

COUNTY OF \_\_\_\_\_ )

\_\_\_\_\_, being first duly sworn on oath deposes and says that he is \_\_\_\_\_ of \_\_\_\_\_, Applicant herein; that he has read the foregoing application and is familiar with the contents thereof; and that the statements therein contained are true to the best of his knowledge, information and belief.

(See Note 3.)

SUBSCRIBED and SWORN to before me this \_\_\_\_\_

\_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

(See Note 3.) Notary Public

My Commission expires \_\_\_\_\_

NOTES:

1. If applicant is not a corporation, appropriate changes in the application, including the signature thereto, should be made.
2. If rural areas in more than one county are covered by the application, designate "Exhibit A- Part," etc., or "Exhibit B-Part 1," etc., as applicable.
3. Immediately below each signature the name of the person signing shall be typed in.
4. Commission rules require that 5 copies of this application be filed.

PERSONAL GUARANTEE

APPLICANT'S EXHIBIT \_\_\_\_\_

PERSONAL GUARANTEE OF \_\_\_\_\_\*

WHEREAS, the undersigned, \_\_\_\_\_\* is the \_\_\_\_\_\* of \_\_\_\_\_, \*\*\* and

WHEREAS, he is also an officer of \_\_\_\_\_\*\* which is the owner of all the outstanding capital stock of \_\_\_\_\_\*\*\* and,

WHEREAS, he also owns controlling interest in the outstanding stock of \_\_\_\_\_\*\*.

NOW THEREFORE, for the purpose of inducing the Public Service Commission of Indiana to issue a Certificate of Territorial Authority to \_\_\_\_\_\*\*\*, an Indiana corporation, authorizing it to furnish sewage treatment and disposal services in the area described in said Petition, the undersigned does hereby agree and bind

himself as follows, to wit:

(1) To operate and maintain the plant and property of the Petitioner, \_\_\_\_\_ \*\*\* in a satisfactory and reasonable manner so as to serve its customers with adequate service as authorized and directed by the Public Service Commission of Indiana.

(2) To supply, from time to time, sufficient working capital to said Petitioner corporation if and when such capital shall be needed to carry out the guarantee herein set forth.

(3) This agreement shall be in full force and effect and binding upon the undersigned \_\_\_\_\_\* for a period beginning on the date of the issuance of the above described Certificate of the Public Service Commission of Indiana and shall continue in full force and effect for a period of five (5) years hereafter, after which said agreement shall become null and void.

IN WITNESS WHEREOF, the said \_\_\_\_\_\* has hereunto set his hand and seal this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_.

STATE OF INDIANA )  
 ) SS:  
COUNTY OF )

Before me, the undersigned, a Notary Public, personally appeared \_\_\_\_\_\* and acknowledged the execution of the above and foregoing guarantee for the use and purposes therein set forth this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

Notary Public

My Commission Expires:

\*Name and position of an officer of corporation making this guarantee.

\*\*Name of organization sponsoring the development requiring sewerage service.

\*\*\*Name of sewerage services corporation.

*(Indiana Utility Regulatory Commission; Service for Utilities Rendering Sewage Disposal Service in Ind; Rule 19; filed Dec 9, 1981, 10:20 am: 5 IR 22; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233)*

#### 170 IAC 8.5-3-4 Interruptions of service

Authority: IC 8-1-1-3; IC 8-1-2-47; IC 8-1-2-69; IC 8-1-2-89

Affected: IC 8-1-1-3; IC 8-1-2-89

Sec. 4. Interruptions of Service. Each sewage disposal company shall keep a record of any interruption of service affecting its entire system or a major division thereof, including a statement of time, duration, extent and cause of the interruption. Whenever the service is intentionally interrupted for any purpose, such interruption shall, except in emergencies, be at a time during regular working hours of the company which will cause the least inconvenience to customers. Customers who will be affected by such interruption shall, to the extent practical, be notified in advance. *(Indiana Utility Regulatory Commission; Service for Utilities Rendering Sewage Disposal Service in Ind; Rule 20; filed Dec 9, 1981, 10:20 am: 5 IR 25; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233)*

#### 170 IAC 8.5-3-5 Accidents; notices and reports

Authority: IC 8-1-1-3; IC 8-1-2-47; IC 8-1-2-69; IC 8-1-2-89

Affected: IC 8-1-1-3; IC 8-1-2-89

Sec. 5. Accidents. In addition to the reports required by statute, every sewage disposal company shall give notice to the Commission of each serious accident involving the company occurring upon its or its customer's premises when the same is accompanied by serious damage to property or human life. Said notice shall be given within 24 hours of the company's knowledge of such accident. A written report shall also be made if the same is required by the Commission.

Neither said notice nor report shall imply or be considered an admission of any liability or responsibility in connection with

the accident. (*Indiana Utility Regulatory Commission; Service for Utilities Rendering Sewage Disposal Service in Ind; Rule 21; filed Dec 9, 1981, 10:20 am: 5 IR 25; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233*)

170 IAC 8.5-3-6 Safety program

Authority: IC 8-1-1-3; IC 8-1-2-47; IC 8-1-2-69; IC 8-1-2-89

Affected: IC 8-1-1-3; IC 8-1-2-89

Sec. 6. Safety Program. (a) Adopt Safety Program. Each sewage disposal company shall adopt and execute a safety program appropriate for the size and type of its operations.

(b) Use Suitable Tools and Equipment. Each sewage disposal company shall require its employees to use suitable tools and equipment to enable them to perform their work in a safe manner.

(c) Promote Safe Work Methods. Each company shall require its employees to use safe methods in performing their work.

(d) Instruction in Artificial Respiration. Each company shall require that its employees who, in the course of their work, are subjected to the hazards of asphyxiation, electrical shock or drowning, be properly instructed in accepted methods of artificial respiration. (*Indiana Utility Regulatory Commission; Service for Utilities Rendering Sewage Disposal Service in Ind; Rule 22; filed Dec 9, 1981, 10:20 am: 5 IR 25; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233*)

170 IAC 8.5-3-7 Service pipe connections

Authority: IC 8-1-1-3; IC 8-1-2-47; IC 8-1-2-69; IC 8-1-2-89

Affected: IC 8-1-1-3; IC 8-1-2-89

Sec. 7. Service Pipe Connections. (a) Company's Service Pipe. The sewage disposal company shall install and maintain that portion of the service pipe from the lateral to the boundary line of the easement, public road, or street, under which such lateral may be located, except as subsequently provided. The customer shall "rod" and otherwise clean the company's portion of the service pipe serving the customer in the event the same becomes clogged or blocked as a result of debris or waste entering such service pipe from the customer's premises, as a result of the customer's actions.

(b) Customer's Service Pipe. The customer shall install and maintain that portion of the service pipe from the end of the company's portion into the premises served.

(c) Requirements for Customer's Service Pipe. The customer's service pipe and appurtenances shall be constructed of materials approved by the sewage disposal company and be installed under the inspection of the sewage disposal company. It shall be the customer's responsibility to maintain his service pipe and appurtenances in good operating condition. (*Indiana Utility Regulatory Commission; Service for Utilities Rendering Sewage Disposal Service in Ind; Rule 23; filed Dec 9, 1981, 10:20 am: 5 IR 25; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233*)

170 IAC 8.5-3-8 Modification at customer's expense

Authority: IC 8-1-1-3; IC 8-1-2-47; IC 8-1-2-69; IC 8-1-2-89

Affected: IC 8-1-1-3; IC 8-1-2-89

Sec. 8. Modification at Customer's Expense. If a customer requests for his convenience or by his actions requires that sewage utility facilities be redesigned, reengineered, relocated, removed, modified, or reinstalled, the company may require the customer to make payment to it of the full cost of performing such service. (*Indiana Utility Regulatory Commission; Service for Utilities Rendering Sewage Disposal Service in Ind; Rule 24; filed Dec 9, 1981, 10:20 am: 5 IR 26; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233*)

170 IAC 8.5-3-9 Extension of sewer lines (*Repealed*)

Sec. 9. (*Repealed by Indiana Utility Regulatory Commission; filed Dec 5, 1990, 3:35 p.m.: 14 IR 572*)